

REMARKS

Reconsideration and withdrawal of the rejections of the pending claims are respectfully requested in view of the amendments and remarks herein, which place the application in condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-44, 47 and 49 were pending in this application. Claim 1 has been clarified herein to recite that *the first food material, barrier composition and the second food material are edible and the barrier composition is present in the foodstuff in such a way that its organoleptic properties of taste, after taste and mouthfeel are imperceptible, whereby a consumer of the foodstuff is not aware of the barrier composition when the foodstuff is consumed*. Support may be found, for example, on page 2, lines 25-28 of the specification as originally filed (paragraph 0008 of the published specification). Claim 55 has been added. No new matter has been introduced.

It is respectfully submitted that the claims, herewith and as originally presented, are patentably distinct over the art, and that those claims are and were in full compliance with the requirements of 35 U.S.C. § 112.

The issues raised by the Examiner in the Office Action are addressed below in the order they appear in the prior Action.

II. INTERVIEW SUMMARY

Applicants thank the Examiner for the many courtesies extended during the interview conducted April 12, 2010 with Applicants' representatives Thomas Kowalski and Heather DiPietrantonio and with Examiner Carolyn Paden.

During the April 12, 2010 interview, claim amendments to overcome prior art were discussed. The pending claims reflect the amendments discussed.

III. THE 35 U.S.C. § 103 REJECTIONS ARE OVERCOME

Claims 1-44, 47 and 49 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Woldhuis (EP0403030) ("Woldhuis") in view of Mayfield (US Patent 5,853,778) ("Mayfield"). Office Action at 2. Applicants respectfully traverse.

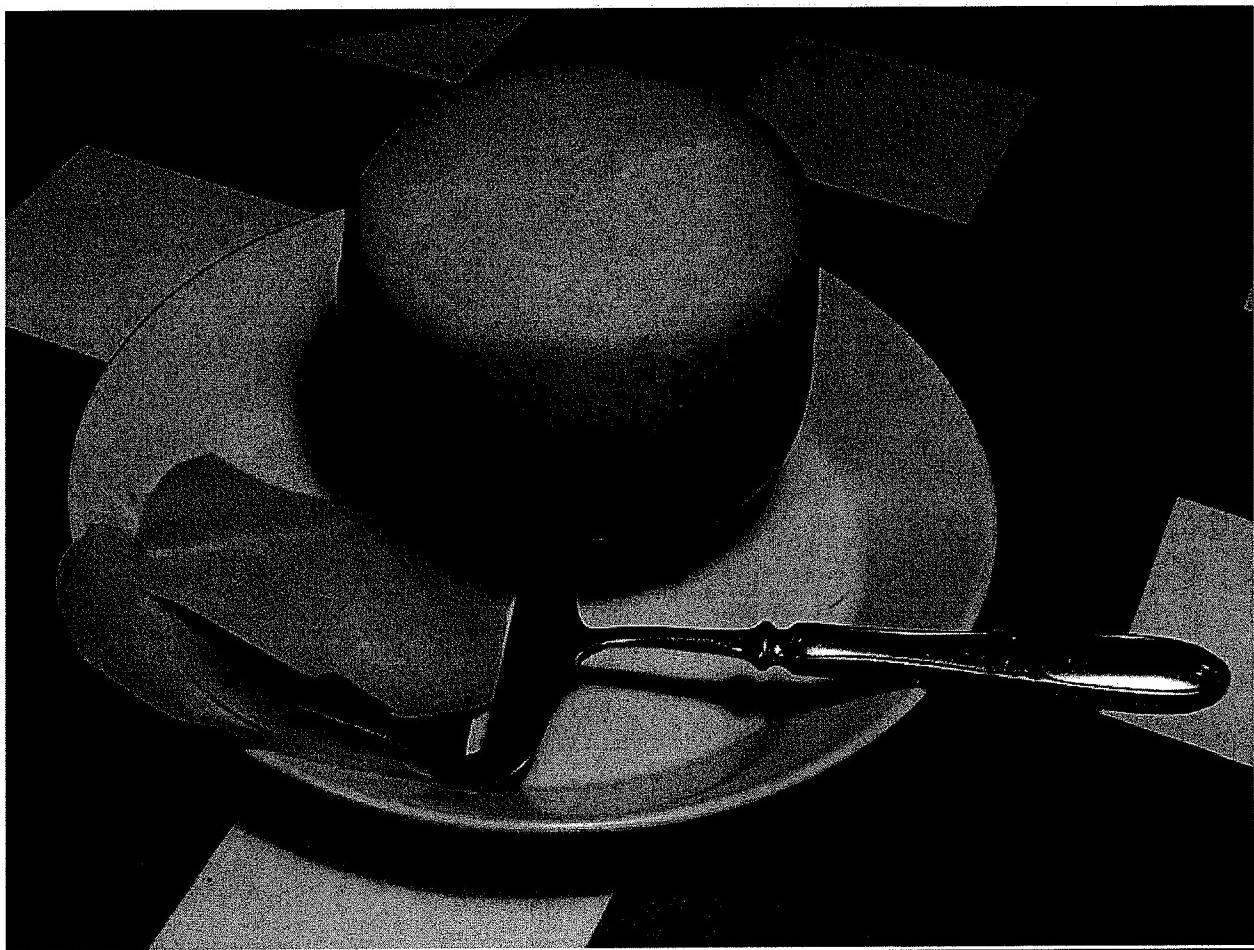
According to the Office Action, Woldhuis discloses a coating for cheese made of wax and a wax-like fat of the composition of the claims. *Id.* at 2. The Office Action asserts that the composition was applied to cheese and found to prevent or reduce the movement of water from the product. *Id.* The Office Action further contends that Mayfield teaches using edible films as a moisture barrier for use in sandwiches to separate dry foods from wet or sticky foods. *Id.* at 3. According to the Office Action, it would have been obvious to one of ordinary skill in the art to use the coating of Woldhuis as an edible film in a cheese sandwich in order to preserve the sandwich and prevent the bread in the sandwich from getting soggy. *Id.* at 4. Applicants respectfully disagree.

Turning first to Woldhuis, the wax coating disclosed in this reference is one which is *peelable*, for example, a wax similar to the thick, waxy coating of Edam cheese (see page 11, Appendix, of this paper for clarification). Such a coating does not exhibit organoleptic properties of taste, after taste and mouthfeel which are imperceptible to the consumer. The wax coating disclosed in Woldhuis is used to prevent the evaporation of water from the cheese and subsequent drying of the coated cheese. It is not intended to be an edible wax, rather it is typically peeled away to reveal the underlying, moist cheese for consumption. Further, there is no teaching or suggestion in Woldhuis to package wax-coated cheese with a second foodstuff.

Turning now to Mayfield, this reference relates to an edible film made by mixing a *gelling substance* with water to form a solution, which is then molded to form a film (*See col.4, ll.1-3*). There is no suggestion to use a wax-like coating on the food material disclosed in Mayfield.

Accordingly, Applicants submit that one of ordinary skill in the art would not combine the thick, waxy coating of Woldhuis with the gel-like film of Mayfield to arrive at the instantly claimed invention. Thus, reconsideration and withdrawal of the art rejections are respectfully requested.

APPENDIX



<http://en.wikipedia.org/wiki/File:SmallEdamCheese.jpg>

In view of the remarks and amendments herein and those of record, the application is in condition for allowance. Favorable reconsideration of the rejections of the application and prompt issuance of a Notice of Allowance, or an interview at a very early date with a view to placing the application in condition for allowance, are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date.

Respectfully submitted,

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